

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NUMBER: 5:08-CR-42 (HL)
	:	
	:	
DAVID LASHAWN LOCKETT	:	

ORDER GRANTING CONTINUANCE

This matter comes before the Court on the parties' Joint Motion for Continuance. The Defendant has filed a motion to dismiss the indictment, which may necessitate an evidentiary hearing following the Government's response. The parties state that plea negotiations in the matter are continuing. Counsel for the Government is also specially set for trial in another division of the Middle District during the term of court. Further, the Defendant has been on pre-trial release since shortly after his initial appearance and arraignment.

Accordingly, IT IS HEREBY ORDERED that the above-referenced matter be continued hereafter to the next regularly scheduled term of Court for the Macon Division of this district, which is currently scheduled to commence in January, 2009, and that any delay occasioned by the continuance be deemed excusable delay pursuant to 18 U.S.C. § 3161(h).

It is the Court's finding that the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). The Court finds that failure to grant such continuance could result in a miscarriage of justice, 18 U.S.C. § 3161(h)(8)(B)(i), and that failure to grant such continuance would deny counsel for the defendant and the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § (h)(8)(B)(iv).

SO ORDERED, this 30th day of October, 2008.

s/ *Hugh Lawson*
HUGH LAWSON
UNITED STATES DISTRICT JUDGE

ORDER SUBMITTED BY:

s/Robert D. McCullers
ROBERT D. McCULLERS
GEORGIA BAR NO. 486976
ASSISTANT UNITED STATES ATTORNEY
MIDDLE DISTRICT OF GEORGIA